

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TIMOTHY MILLER,
Bankruptcy Trustee for Joseph Soto,

Plaintiff,

vs.

Case No. 07-CV-11035
HON. GEORGE CARAM STEEH

AIRBORNE EXPRESS, INC.,
DHL WORLDWIDE EXPRESS, INC., and
ABX AIR, INC.,

Defendants.

ORDER DENYING PRO SE MOTION TO WITHDRAW PLAINTIFF'S COUNSEL (#40)

Joseph Soto, appearing pro se, moves to "withdraw" plaintiff's counsel, Attorney Stephanie Carter. Pursuant to E.D. Mich. Local R. 7.1(e)(2), it is ORDERED that the motion be resolved without oral argument.

Plaintiff Timothy Miller, Trustee of the Bankruptcy Estate of Joseph Soto, filed a First Amended Complaint on April 15, 2008 alleging Soto suffered personal injuries on June 2, 2005 while working on the premises of defendants Airborne Express, Inc., DHL Worldwide Express, Inc., and ABX Air, Inc.. This matter was administratively closed on February 19, 2009, consistent with a demonstrated need to await a bankruptcy court ruling as to the enforceability of a purported settlement, and the potential that debtor Soto may be prosecuting this action in his own right. Soto now moves pro se to "withdraw" Attorney Stephanie Carter as special counsel appointed by Bankruptcy Judge Thomas Tucker to represent the Estate in this lawsuit.

Soto's motion is misplaced. Attorney Carter represents the Bankruptcy Estate of Soto. The Bankruptcy Trustee is the party with standing to seek Carter's removal as counsel for the Estate in this lawsuit. Soto may seek relief in Bankruptcy Court to prosecute this action in his own right, as contemplated by this court's February 19, 2009 Order. Further, this matter is and remains administratively closed, rendering Soto's motion moot. Accordingly,

Joseph Soto's pro se motion to withdraw Estate's Counsel Attorney Stephanie Carter is hereby DENIED.

SO ORDERED.

Dated: June 16, 2009

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on June 16, 2009, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk